

Lewis Roca Rothgerber Christie LLP

201 East Washington Street, Suite 1200
Phoenix, AZ 85004-2595
Telephone: 602.262.5311

Ryan D. Pont (State Bar No. 033391)

Direct Dial: 602.262.5313
Direct Fax: 602.734.3769
Email: rpont@lewisroca.com

Kyle W. Kellar (*Pro hac vice*)

Direct Dial: 626.683.4590
Direct Fax: 626.577.8800
Email: kkellar@lewisroca.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Wavve Americas, Inc., a Delaware
corporation,

Plaintiff,

vs.

Tumi Max, an individual

Defendant.

Case No. 2:23-cv-01819-MTL

**DECLARATION OF JEONGPHIL
JOO IN SUPPORT OF PLAINTIFF'S
MOTION FOR ENTRY OF
TEMPORARY RESTRAINING
ORDER WITH NOTICE**

I, Jeongphil ("JP") Joo, declare as follows:

I am the Administrative Director with the wavve Americas, Inc. ("wA"), the Plaintiff in this action. I submit this declaration in support of wavve Americas, Inc.'s Motion for Entry of Default Judgment Against Defendant Tumi Max. I make this declaration based on my personal knowledge and could competently testify to the facts stated herein if called upon to do so.

1. wA continually adds newly licensed content to its KOCOWA[®] service to satisfy the subscribers and users and to grow the subscriber base.

2. I have personally investigated the Defendant's KOKOA service, available at KOKOATV.NET and KOKOA.TV, and found that the same programs that are exclusively licensed to wA for streaming via its KOCOWA[®] service are often available on Defendant's KOKOA service within 12 hours of these programs airing for the first time in Korea. I am aware of instances of Korean programming becoming available for

1 streaming in United States via Defendant's KOKOA service before it is available through
2 legitimate sources, such as wA's KOCOWA® service.

3 3. I have reviewed the Internet articles attached to the Declaration of Kyle
4 Kellar, submitted concurrently herewith, regarding Defendant's KOKOA service. These
5 articles demonstrate a serious escalation in Defendant's conduct regarding its KOKOA
6 service, including by attempting to lure potential KOCOWA® subscribers to its
7 illegitimate KOKOA service. Defendant's statements attempting to legitimize its
8 KOKOA service are separately a serious escalation as users that would otherwise
9 subscribe to wA's KOCOWA® service will be convinced, or may at least strongly believe,
10 that Defendant's KOKOA service is legal and legitimate when it is not.

11 4. Defendant's continued, widespread uploading of Korean programming mere
12 days after it first airs in Korea in conjunction with its recent campaign to legitimize and
13 publicize its KOKOA service, wA's is and will continue to suffer immediate and
14 irreparable loss due to a loss of current subscribers and of future subscribers that will be
15 drawn to Defendant's free KOKOA service.

16 I declare under penalty of perjury under the laws of the United States of America
17 that the foregoing is true and correct and that this declaration.

18 Executed on the 2nd day of February 2024, in Los Angeles, California.

19
20 By:  _____

Jeongphil "JP" Joo